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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,413	12/11/2003	Alan Bartholomew	TRIO-P0001	1412
36067 7590 05/07/2007 DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037				
			EXAMINER CHAI, LONGBIT	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 05/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/707,413

Applicant(s)

BARTHOLOMEW, ALAN

Examiner

Longbit Chai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 1007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/10/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Applicant's claim for benefit of domestic priority under 35 U.S.C. 119(e) is acknowledged.

The application is filed on 12/11/2003 but has a U.S. provisional application number 60/432,888 filed on 12/11/2002.

Claim Objection

2. Claim 2 is objected because the claim language "one of said set of client-processing device" should be "one of said set of client-processing devices".
Appropriate correction is required.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code as shown, for example, in the instant specification (SPEC: Para [0150] – [0151]). See MPEP § 608.01. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 recites the limitation "said interface". There is insufficient antecedent basis for this limitation in the claim. It is unclear and ambiguous what specific interface that Applicant is referred to.
5. Claim 14 recites the limitation "said user". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 8, 11 – 14 and 16 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine et al. (U.S. Patent 2002/0144153), in view of Kauffman et al. (U.S. Patent 6,870,887).

As per claim 1, LeVine teaches **an annotation system configured to record, store, and retrieve media** (LeVine: Para [0121] and Para [0128] Line 8 – 10) comprising:

a set of client-processing devices configured to capture media for subsequent playback (LeVine: Para [0041] and [0121]: a client-server archive digital content distribution system) **via a record button** (LeVine: Para [0216] Line 1 – 5: the mouse button used and focused on the specific record / store / download process is considered as a record button) **and upon performing said capture trigger an association of a unique ID with said media** (LeVine: Para [0196] Line 5 – 37, Para [0200] Line 9 – 12, Para [0198] and Para [0041] Line 10 – 15: when the requested archive digital content is being downloaded from the remote server, an analysis tool can be used to examine and generate an unique identifier associated with the client device into the medium for authentication purpose – i.e. one of identifiers is generated by the server at the time of first authentication / download and can be subsequent use later (Para [0200] Line 9 – 12)).

LeVine teaches the archive digital content is stored at the server (LeVine: Para [0196] Line 5). However, LeVine does not disclose expressly said set of client-processing devices further configured to upload said media and said unique ID to a server for purposes of storage.

Kauffman teaches **said set of client-processing devices further configured to upload said media and said unique ID to a server for purposes of storage** (Kauffman: Column 9 Line 42 – 44 / Line 38 – 39 and Column 6 Line 34 – 37 & LeVine:

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Para [0041] Line 10 – 15: the archive digital content can be further retrieved for editing purpose and saved back into the server later so that they can be shared by other users through the server).

said server configured to obtain said media and said unique ID for subsequent retrieval and provide said media and said unique ID to at least one client-processing device from said set of client processing devices (Kauffman: Column 6 Line 34 – 37, Column 9 Line 42 – 44 / Line 38 – 39 and & LeVine: Para [0041] Line 10 – 15).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kauffman within the system of LeVine because (a) LeVine teaches an archive digital content is stored at the server and can be securely download into a client device as requested (LeVine: Para [0196] Line 5 – 37, Para [0198] and Para [0041] Line 10 – 15) and (b) Kauffman teaches an effective mechanism that the archive digital content can be further retrieved for segmenting / editing purpose and saved back into the server later so that they can be shared by other users through the server (Kauffman: Column 6 Line 34 – 37, Column 9 Line 42 – 44 / Line 38 – 39 and Column 1 Line 44 – 50).

As per claim 2, LeVine as modified teaches at least one of said set of client-processing device further comprises a mark button configured to flag a portion of said media for playback (Kauffman: Column 10 Line 64 – 67 / Line 58 – 59: mark button is used for segmenting the video digital content).

As per claim 3, LeVine as modified teaches at least one of said set of client-processing devices is further configured to provide an edit operation on said media (Kauffman: Column 9 Line 42 – 44 / Line 38 – 39 and Column 6 Line 34 – 37 & LeVine: Para [0041] Line 10 – 15: the archive digital content can be further retrieved for editing purpose and saved back into the server later so that they can be shared by other users through the server).

As per claim 4, LeVine as modified teaches at least one of said client-processing devices comprises a set of control buttons (Kauffman: Column 10 Line 54 – 60: at least pay / mark / stop buttons are used).

As per claim 5, LeVine as modified teaches at least one of said set of client processing devices comprises a mechanism for controlling playback and recording via a position slider (Kauffman: Column 11 Line 12 – 16: a slider control is provide for play / stop / mark / stop to facilitate movement to various parts of the video).

As per claim 6, LeVine as modified teaches at least one of said set of client-processing devices is further configured to associate contextual information with said media (LeVine: Para [0205] Line 1 – 8: the identifier can be selected based on a context-aware algorithm – e.g., every Nth section of M bytes are used).

As per claim 7, LeVine as modified teaches at least one of said set of client-processing devices is configured to present said unique ID to a user (LeVine: Para [0041] Line 10 – 15: the archive digital content can be stored / identified per-user).

As per claim 8, LeVine as modified teaches at least one of said set of client-processing devices is configured to utilize said interface to utilize said unique ID to obtain said media from said server for playback (LeVine: Para [0206] Line 18 – 28: a remote server receives the request from the client and authenticate the valid identifiers).

As per claim 11, LeVine as modified teaches said unique ID comprises a number assigned by a server process (LeVine: Para [0198] Line 1 – 4 and Para [200] Line 9 – 12: the identifier information generated by the server at the time of first authentication or download).

As per claim 12, LeVine as modified teaches said unique ID comprises a machine unique identifier combined with a locally unique identifier (LeVine: Para [0196] Line 20 – 25 and Para [0197]).

As per claim 13, LeVine as modified teaches at least one of said set of client-processing devices is configured to transfer said unique ID to said server (LeVine: Figure 32 / Element 180: this identifier can be optionally generated at the client site and transferred the server).

As per claim 14, LeVine as modified teaches said unique ID comprises a context defined by said user (LeVine: Para [0205] Line 1 – 8: the identifier can be manually selected by the user based on a context-aware algorithm – e.g., which section of which bytes are used).

As per claim 16, LeVine as modified teaches said unique ID is recorded on a memory medium (LeVine: Para [0198] Line 1 – 4).

As per claim 17, LeVine as modified teaches said unique ID is embedded into a device and broadcast via a transmission mechanism for monitoring (LeVine: Para [0196] Line 20 – 25: the manufacturer / the firmware revision is embedded into a device).

As per claim 18, LeVine as modified teaches said server is configured to provide said media upon presentation of said unique ID (LeVine: Para [0206] Line 18 – 28: a remote server receives the request from the client, authenticate the valid identifiers and then provide the media based on the presentation of the unique ID).

As per claim 19, LeVine as modified teaches said media comprises audio data (LeVine: Para [0040] Line 4 – 8: supporting and securing the delivery of audio, video, and text/graphic/e-book/e-presentation formats using both hard media and network content delivery models).

As per claim 21, LeVine as modified teaches said media comprises video data (LeVine: Para [0040] Line 4 – 8: supporting and securing the delivery of audio, video, and text/graphic/e-book/e-presentation formats using both hard media and network content delivery models).

As per claim 22, LeVine as modified teaches media comprises image data (LeVine: Para [0040] Line 4 – 8: supporting and securing the delivery of graphic / e-book/e-presentation formats using both hard media and network content delivery models).

7. Claims 9, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeVine et al. (U.S. Patent 2002/0144153), in view of Kauffman et al. (U.S. Patent 6,870,887), and in view of Kovesdi et al. (U.S. Patent 2003/0155413).

As per claim 9, LeVine as modified does not teach at least one of said set of client-processing devices comprises a barcode scanner for application of said unique ID.

Kovesdi teaches at least one of said set of client-processing devices comprises a barcode scanner for application of said unique ID (Kovesdi: Para [0088] Line 3 – 7 and Para [0075] Line 4 – 8: playback of media digital content can be identified based on a scanned barcode).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kovesdi within the system of LeVine as modified because (a) LeVine teaches an archive digital content is stored at the server and can be securely authenticated and download into a client device as requested (LeVine: Para [0196] Line 5 – 37, Para [0198] and Para [0041] Line 10 – 15) and (b) Kovesdi teaches an effective authentication mechanism that the playback digital content can be authorized based on a scanned bar code of the medium (Kovesdi: Para [0017] Line 1 – 6 and Para [0088] Line 3 – 7).

As per claim 10, LeVine as modified does not teach a label dispenser configured to emit labels having said unique ID.

Kovesdi teaches a label dispenser configured to emit labels having said unique ID (Kovesdi: Para [0088] Line 3 – 7: the device can be supplemented with pre-printed barcode label – i.e., to emit pre-printed label with unique barcode that is consistent with the disclosure of the instant specification (SPEC: Para [0021])).

Same rationale of combination applied herein as above in rejecting the claim 9.

As per claim 15, LeVine as modified does not teach said unique ID is printed for subsequent usage.

Kovesdi teaches said unique ID is printed for subsequent usage (Kovesdi: Para [0088] Line 3 – 7: the device can be supplemented with pre-printed barcode label – i.e.,

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to emit pre-printed label with unique barcode that is consistent with the disclosure of the instant specification (SPEC: Para [0021])).

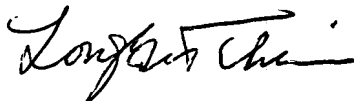
Same rationale of combination applied herein as above in rejecting the claim 9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Longbit Chai, Ph.D.
Patent Examiner
Art Unit 2131
4/15/2007